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7 AMGUARD INSURANCE COMPANY

8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 MANUEL GARCIA, individually,

CASE NO. 2:23-cv-00612-JCM-NJK

12 Plaintiff,

**JOINT STIPULATION FOR
EXTENSION OF SCHEDULING
ORDER DEADLINES**

13 v.

14 AMGUARD INSURANCE COMPANY, an
15 insurance exchange; DOES 1 through X, and
16 ROE CORPORATION X through XX,
inclusive,

FIRST REQUEST

17 Defendant.

Complaint Filed: March 20, 2023.

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19 Plaintiff Manuel Garcia (“Plaintiff”) and Defendant AmGUARD Insurance Company
20 (“AmGUARD”), by and through their respective counsel of record, hereby submit this Joint
21 Stipulation for Extension of Scheduling Order Deadlines to extend the remaining deadlines within
22 the Discovery Plan and Scheduling Order (the “Scheduling Order”) (ECF No. 11), entered on
23 May 22, 2023, by 90 days. This is the parties first request to extend any deadline contained in the
24 Scheduling Order.

25 **I. DISCOVERY THAT HAS BEEN COMPLETED:**

26 The parties have completed the following discovery:

27 1. On May 15, 2023, Plaintiff served his Initial Disclosures of Witnesses and
28 Documents Pursuant to Federal Rule of Civil Procedure 26(a)(1).

- 1 2. On May 16, 2023, Plaintiff served his first supplement Initial Disclosures of
- 2 Witnesses and Documents Pursuant to Federal Rule of Civil Procedure 26(a)(1).
- 3 3. On May 30, 2023, Plaintiff served his second supplement Initial Disclosures of
- 4 Witnesses and Documents Pursuant to Federal Rule of Civil Procedure (“Rule(s)”) 26(a)(1).
- 5 4. On May 31, 2023, AmGUARD served its Request for Production of Documents
- 6 (Set One) on Plaintiff.
- 7 5. On May 31, 2023, AmGUARD served its Interrogatories (Set One) to Plaintiff.
- 8 6. On or about June 29, 2023, AmGUARD served a subpoena to produce documents
- 9 on non-party USAA Casualty Insurance Company.
- 10 7. On June 14, 2023, Plaintiff underwent a Rule 35 independent medical examination
- 11 of his alleged rotator cuff and spinal injuries.
- 12 8. On June 30, 2023, AmGUARD served its Initial Disclosures Pursuant to Rule
- 13 26(a) and a 96-page privilege log.
- 14 9. On July 7, 2023, Plaintiff served his third supplement Initial Disclosures of
- 15 Witnesses and Documents Pursuant to Federal Rule of Civil Procedure 26(a)(1).
- 16 10. On July 16, 2023, Plaintiff served his First Set of Requests for Production of
- 17 Documents.
- 18 11. On July 16, 2023, Plaintiff served his First Set of Requests for Admissions.
- 19 12. On July 16, 2023, Plaintiff served his First Set of Interrogatories.
- 20 13. On July 18, 2023, Plaintiff served his fourth supplement Initial Disclosures of
- 21 Witnesses and Documents Pursuant to Federal Rule of Civil Procedure 26(a)(1).

22 **II. DISCOVERY THAT REMAINS TO BE COMPLETED**

23 The following discovery by the parties remains to be completed:
24 Plaintiff and AmGUARD need to respond to the outstanding discovery requests.
25 Plaintiff and AmGUARD will need to serve follow-up written discovery, including
26 Interrogatories, Requests for Production, and Requests for Admissions; subpoenas for the
27 production of documents from various non-parties, including seventeen medical providers that
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1 Plaintiff has disclosed; and deposition notices of Rule 30(b)(6) witnesses, percipient witnesses,
2 and expert witnesses. Plaintiff and AmGUARD also still need to disclose expert witnesses and
3 will produce expert reports, and possibly rebuttal reports to any expert report produced by other
4 parties.

5 **III. REASONS WHY REMAINING DISCOVERY WAS NOT COMPLETED:**

6 The parties require additional time for discovery to facilitate the resolution of this action
7 through negotiated settlements before incurring the additional costs to retain experts and prepare
8 expert reports compliant with Federal Rule of Civil Procedure 26(a)(2). In addition, Plaintiff
9 recently underwent further surgical treatment on June 19, 2023, and has again supplemented his
10 initial disclosures with further medical records, which require additional follow up discovery.
11 Further, AmGUARD just received on July 20, 2023, HIPPA authorizations from Plaintiff for 17
12 medical providers that he disclosed, which has delayed the ability of AmGUARD to subpoena
13 these medical providers. As such, good cause exists for the requested extension.

14 **IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:**

15 The parties hereby stipulate to the following schedule for completing all remaining
16 discovery:

- 17 1. Last Day to Amend the Pleadings or Add New Parties: October 25, 2023.
- 18 2. Rule 26(a)(2) Disclosure (Experts):
 - 19 a. Initial Expert Disclosure: November 22, 2023
 - 20 b. Rebuttal Expert Disclosure: December 22, 2023.
- 21 3. Close of Discovery: January 26, 2024.
- 22 4. Dispositive Motions: February 26, 2024.
- 23 5. Pretrial Order: March 27, 2024.

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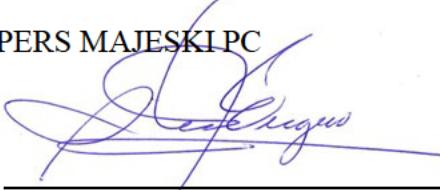
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1 The disclosures that Rule 26(a)(3) requires will be made in the joint pretrial order. If
2 dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until
3 30 days after decision on the dispositive motions or further court order.

4 Dated: July 25, 2023

ROPER MAJESKI PC

5 By: 

6 STEPHEN J. ERIGERO
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10 Dated: July 25 2023

ANGULO LAW GROUP

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By: *s/ Peter M. Angulo*

13 PETER M. ANGULO
14 NV BAR NO. 003672
Attorneys for Plaintiff
MANUEL GARCIA

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ORDER

17 **IT IS SO ORDERED.**

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19 UNITED STATES MAGISTRATE JUDGE

20 Dated: July 26, 2023

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